

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert Germick, et al
Serial No.: 09/904,794
Filed: July 12, 2001
For: FOOD PRODUCTS, ESPECIALLY
REFRIGERATED YOGURT
PRODUCTS, AND APPARATUS AND
METHODS FOR THEIR PRODUCTION
Docket No.: 5468 (formerly 9649-108)

Confirmation No. 1785

Group Art Unit: 1761

Examiner: Steven Weinstein

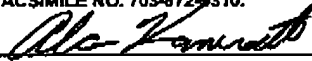
GROUP 1700

JUL 18 2003

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Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I CERTIFY THAT THIS PAPER IS BEING SENT BY
FACSIMILE TO MAIL STOP NON-FEE AMENDMENT,
COMMISSIONER FOR PATENTS, P O BOX 1450,
ALEXANDRIA, VA 22313-1450, ON July 17, 2003 (37 CFR
1.89) VIA FACSIMILE NO. 703-872-9310.

**PRELIMINARY AMENDMENT**

Dear Sir:

Please amend the above-referenced Patent Application as follows:

IN THE SPECIFICATION

Please amend page 6, line 21 to page 7, line 16 as follows:

A1
In more preferred embodiments such as for yogurt products, the colorants are selected to minimize bleeding from the random pattern into the yogurt. In preferred forms, the yogurt further essentially includes second food ingredients comprising selected non-bleeding colorants that minimize color migration between the colored portions and background color portions of the yogurt during quiescent storage. The colorants are selected from FD&C lake pigment, FD&C dyes, natural colors and mixtures thereof. By "non-bleeding" colorant, it is meant herein that the colorant resists rapid migration from the colored portion to the background color portion. Such migration undesirably weakens the color of the colored phase from which the colorant migrates and discolors the phase to which the colorant does migrate. Useful colorant materials herein are non-bleeding colorants including FD&C lake colorants, some natural pigments, and mixtures thereof. Also useful herein are "natural" colorants such as 1) Carminic acid (red colorant) solution in water, alkalized (with ammonium hydroxide, sodium hydroxide or other alkaline agent), containing glycerine, especially preferred is carminic acid desirably adjusted to a pH of